

## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3704) on the date shown below:

Date: 12-16-99 BY: Renee Damantia

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Goldwasser et al.

Serial No.: 08/847,967

Filed: 4/22/97

For: The Combinatorial Synthesis  
of Novel Materials

Group Art 1618  
Unit:

Examiner: Ricigliano, J.

Assistant Commissioner  
For Patents  
Washington D.C. 20231

**RESPONSE TO ELECTION REQUIREMENT**

Sir:

Please enter the following Response to Election Requirement in connection with the above-referenced application, and in response to the Office action dated November 23, 1999. Applicants respectfully request consideration and further examination of the present application in view thereof.

**Response to Election Requirement**

The Office action sets forth an election of species requirement that requires the Applicant to elect a single species with respect to (1) the specific types of materials to be delivered, and (2) the specific types of properties to be tested. See Office action at pages 2-3. Claims 42, 68, 70 and 72 are said to be generic. *Id* at page 2. The Office action also notes that "solid materials" are likewise considered to be generic. *Id.* at page 3.

Applicants hereby elect, without traverse, to prosecute the claims covering the patentably distinct species of (1) delivering inorganic materials and, where required, (2) screening for optical properties. Applicants note that the elected materials (inorganic)

and elected property of interest (optical) are consistent with Applicants' previous election of electron-beam evaporation as the delivery technique (See Amendment A).

Presently pending claims 2, 4, 5, 8, 10, 11, 15-24, 26, 29-36, 42-57, and 64-73 read (generically) on the elected species. Claim 66 specifically requires delivery of material components using electron beam evaporation, but is generic with respect to both type of material and property of interest. Claims 57 and 70-73 specifically require inorganic materials or components thereof, but are generic with respect to method of component delivery and property of interest.

#### Acknowledgement

Applicants acknowledge that the Office action does not maintain the substantive rejections set forth in the previous Office action dated March 31, 1999. As such, the substantive rejections set forth therein are considered withdrawn.

In view of the foregoing, Applicants submit that each of the pending claims are now in condition for allowance, and request notice of the same.

Applicants believe that no further fees are required in connection with the Instant Response to Election Requirement. If necessary, however, the Examiner is hereby authorized to charge any required fees to Deposit Account No. 50-0496.

Respectfully submitted,



Dated: 12-16-99

Paul A. Stone, Reg. No. 38,628

SYMXX TECHNOLOGIES, INC.  
3100 Central Expressway  
Santa Clara, CA 95051  
(408) 764-2000